



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/820,836	04/08/2004	Ian Miska	CU-3678 WDD	8472
26530	7590	05/23/2006	EXAMINER	
LADAS & PARRY LLP 224 SOUTH MICHIGAN AVENUE SUITE 1600 CHICAGO, IL 60604			DAVIS, CASSANDRA HOPE	
			ART UNIT	PAPER NUMBER
			3611	

DATE MAILED: 05/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/820,836

Applicant(s)

MISKA, IAN

Examiner

Cassandra Davis

Art Unit

3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 November 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-14 and 29-45 is/are pending in the application.
- 4a) Of the above claim(s) 10, 12, 13, 29, 30, 39 and 41-44 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3, 5, 33 and 35 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 6, 7, 9, 11, 31, 32, 34, 36, 37, 38, 40 and 45 is/are rejected.
- 7) ☒ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. Claim 45 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected species, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on March 28, 2005.
2. The withdrawal of claim 45 is inadvertent omitted. Claim 45 is dependent from withdrawn claim 43.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4, 6, 7, 31, 32, 34, 36, 37, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiederseim, U. S. Patent 956,916 in view of Engelhardt, U. S. Patent 4,681,253.
3. With respect to claims 1, 4, 6, 7, 31, 34, and 36, Wiederseim teaches a display comprising a one-piece folder construction having a first side panel (2) and a back section (1), wherein the first panel is foldable over the back section and has slot 8 that engages the tab 9 of back section. The first

panel (2) having a viewing section comprising a die- cut window (3). When the back section is engaged with the first side panel the back section has a curvilinear design. Wiederseim does not teach the display having a plastic sheet over the die cut window.

4. Engelhardt teaches a foldable display having a front or first panel having a window 17 covered with a plastic transparent sheet 18. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the window of the display taught by Wiederseim covered with a plastic sheet as taught by Engelhardt to provide a means to protect the interior of the display.

5. With respect to claims 2 and 32, Wiederseim teaches the back section containing an image. See figure 7.

6. With respect to claims 7 and 37, since the applicant is not positively claiming the three dimensional artwork, the claim is obvious over Wiederseim in view of Engelhardt. (Originally presented) The presentation apparatus of Claim 1 wherein the side panel has a viewing section comprising a die-cut window containing an acetate or plastic sheet for viewing the back section. (Originally presented) The presentation apparatus of Claim 1 wherein the side panel is folded over the back section

and engages the back section for display purposes. (Originally presented)

The presentation apparatus of Claim 6 wherein the side panel folded over the back section provides for three-dimensional artwork.

7. Claims 9, 11, 38, and 40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wiederseim in view of Engelhardt as applied to claims 5, 1, 35, and 31, respectively above, and further in view of Murrell, U. S. Patent 4,237,633. Murrell teaches a foldable display having a front panel with a die cut window 48 covered by sheet 50. Murrell also teaches "serrations 52, 54, 56 respectively define rectangular break away or removable segments 58, 60, 62 which bound or border three sides of opening 48. It would have been obvious to one having ordinary skill in the art at the time this invention was made to construct the display taught by Wiederseim and Engelhardt with removable section about the window as taught by Murrell to provide a means to selectively choose the size of the display window.

Allowable Subject Matter

8. Claims 3, 5, 33, 35 are allowed.

Response to Arguments

9. Applicant's arguments filed November 4, 2005 have been fully considered but they are not persuasive.

10. The applicant argues that Weiderseim teaches the front leaf portion must be aligned with the back leaf portion in order to have order and conformity in the view of the display, whereas the present invention does not require movement on one leaf in order to align the view. In addition, the applicant argues Weiderseim does not teach artwork or image on the acetate sheet or plastic. Further, the applicant argues that Engelhardt teaches a mailer wherein the plastic sheet covers a front opening and an intermediate wall. The applicant points out the back wall is not part of the view through the window in the front wall because it is obstructed by the middle or intermediate wall.

11. The examiner contends the claimed invention does not preclude one or more of the leaves being movable. In addition, claims 1 and 31 do not recite artwork on the plastic sheet. The examiner also contends Engelhardt is cited to show having a transparent cover over the opening or window of the front sheet to provide protection of the image.

12. The rejection is maintained.

Conclusion

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

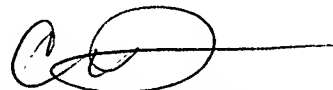
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Cassandra Davis whose telephone number is 571-272-6642. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on 571-272-6651.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, consisting of a stylized 'C' followed by a horizontal line and a loop.

Cassandra Davis
Primary Examiner
Art Unit 3611

CD
February 6, 2006